

**United States Environmental Protection Agency
Criminal Investigation Division
Investigative Activity Report**

Case Number

0900-0443

Case Title:

NORTHROP GRUMMAN - BENCHMARK

Reporting Office:

San Francisco, CA, Area Office

Subject of Report:

INTERVIEW WITH ... ON SEPTEMBER 10, 2012.

Activity Date:

September 12, 2012

Reporting Official and Date:**Approving Official and Date:**

Acting Assistant Special Agent in Charge

Acting Special Agent in Charge

12-SEP-2012, Signed by:

13-SEP-2012, Approved by:

Acting Special Agent in Charge

SYNOPSIS

On the above referenced date, the reporting agent interviewed ... about the former Northrop-Grumman/TRW Benchmark Technology ("Benchmark") site, City of Industry, California. The site is part of the San Gabriel Valley (Area 4) Superfund Site also known as the Puente Valley Operable Unit (PVOU). The interview took place at the EPA-CID office in San Francisco.

DETAILS

... provided the following information; ... began working for US EPA in Region IV in 1998. ... came to Region IX (San Francisco office) in January, 2003. Soon after arriving, ... was assigned to work on the PVOU. ... predecessor was ... As a staff attorney working on the PVOU, ... worked with a series of US EPA Remedial Project Managers (... , ... and ...). ... left the PVOU project in 2008. ... took over role as staff attorney and is currently working with ... on the PVOU.

Regulating the PVOU has been complicated and contentious. For many years, UTC/Carrier was a Potentially Responsible Party (PRP) that was uncooperative with US EPA and Los Angeles Regional Water Quality Control Board (LARWQCB) efforts to clean up the PVOU. In approximately 2002, ... is aware that the US EPA issued a Unilateral Administrative Order requiring UTC/Carrier to conduct clean up and assessment activity in the PVOU. UTC/Carrier initially refused to comply with that UAO. UTC/Carrier became cooperative and negotiated with US EPA in good faith later in the process.

... stated that the overall goal with the PVOU "remedy" is to protect drinking water sources downgradient from the plume of migrating contamination. Originally there were 62 identified PRPs involved in the PVOU. After negotiations and payment, only NGC and UTC/Carrier remain as Responsible Parties (RPs). NGC was very helpful in getting the smaller PRPs to pay into the PVOU clean-up fund.

... learned only recently from ... that NGC had conducted a Cone Penetrometer Test Study in 2002 and a Deep Bore Soil Study in 2004 at Benchmark. ... also informed ... that these studies identified the existence of a large uncontrolled source of contamination under the Benchmark site. ... was surprised to find out that NGC had this data and had not shared it with US EPA and LARWQCB officials.

This document contains neither recommendations nor conclusions of the EPA.

It is the property of the EPA and is loaned to your agency;
it and its contents are not to be distributed outside your agency.

**United States Environmental Protection Agency
Criminal Investigation Division
Investigative Activity Report**

Case Number

0900-0443

In the early 2000's, the presence of 1,4 dioxane was discovered in contaminated groundwater within the "mouth of the valley" PVOU. During this same timeframe, RPM and [redacted] recognized that the LARWQCB had done a poor job holding NGC accountable for controlling the migration of the plume from the Benchmark site. [redacted] and [redacted] both believed that the existing "pump and treat" wells on site at Benchmark were inadequate and too shallow to arrest the migration of the plume under the site. As a result, [redacted] and [redacted] approached LARWQCB officials (including [redacted] and [redacted]) and encouraged them to issue NGC an order requiring additional site characterization and the remediation of 1,4 dioxane. Those officials agreed and issued the October 1, 2003, Clean-up and Abatement Order addressing those issues. [redacted] does not recall seeing the CAO but does recall [redacted] (NGC attorney) complaining about the order and US EPA's role in getting it issued. Both [redacted] and [redacted] believed that up to that point NGC had not done "their fare share" of the work that needed to be done in the PVOU.

[redacted] recalls that [redacted] (CDM Consulting) was very aggressive and theatrical in arguing for the smallest role possible for NGC in cleaning up the PVOU. [redacted] stated that [redacted] often tried to "intimidate" regulators by being verbally aggressive and dramatic. [redacted] recalls that [redacted] did admit at one point during the negotiations regarding the remediation of 1,4 dioxane that NGC was likely responsible for "99%" of the 1,4 dioxane in the "mouth of the valley". [redacted] argued, however, that NGC should not be forced to remediate as much as US EPA wanted removed from the PVOU.

[redacted] reviewed the June 13, 2006, letter written by RPM [redacted] to [redacted] NGC (Attachment #1). [redacted] did not play a role in generating this letter, but stated that the requirements of the letter are clear; both NGC and UTC/Carrier are being ordered to share all data regarding the PVOU with US EPA. [redacted] does not recall what response NGC and/or UTC/Carrier had to this letter. [redacted] does recall that UTC/Carrier was being uncooperative with regulators during this timeframe.

[redacted] reviewed the July 6, 2007, email sent by [redacted] to [redacted] detailing [redacted] belief that contamination exists deeper (and unidentified) under the Benchmark site. [redacted] does not recall the email, but does recall [redacted] (NGC consultant) and [redacted] "pushing back" on this issue and the idea of installing deeper wells at and near Benchmark. [redacted] stated that "huge arguments" ensued over this issue among NGC's representatives and government regulators.

[redacted] recalls the basic claim being made by NGC that even if deeper contamination is present under Benchmark, that contamination will be picked up by NGC remediation efforts in the Intermediate Zone on either side of Puente Creek.

[redacted] stated that the existence of the 2002 CPT data and the 2004 DB Soil data would have been important and "very relevant" during negotiations and arguments about the establishment of "mouth of the valley" Shallow Zone (SZ) and Intermediate Zone (IZ) delineation. [redacted] stated that the negotiations took place after NGC apparently knew about the uncontrolled source beneath Benchmark. For a time, NGC took the position that UTC/Carrier should be responsible for remediating contamination present in the SZ of the entire "mouth of the valley". These negotiations took place among US EPA officials, LARWQCB officials, NGC representatives, and UTC/Carrier representatives prior to the signing of the biding Consent Decree in the mid 2000's.

This document contains neither recommendations nor conclusions of the EPA.
It is the property of the EPA and is loaned to your agency;
it and its contents are not to be distributed outside your agency.

**United States Environmental Protection Agency
Criminal Investigation Division
Investigative Activity Report**

Case Number

0900-0443

views the non-disclosure of the 2002 CPT and 2004 DB Soil study data as a serious breach of trust. believes that US EPA and LARWQCB officials would have made different regulatory decisions and requirements if they had known about the data and its findings. It is likely that those decisions and requirements would have cost NGC a significant amount of additional money to clean up the site.

has a number of emails regarding involvement in the PVOU in an electronic archive.

ATTACHMENT

Attachment #1

Letter

Attachment #2

Email

This document contains neither recommendations nor conclusions of the EPA.
It is the property of the EPA and is loaned to your agency;
it and its contents are not to be distributed outside your agency.